

Guidance for Elected Members during the Election Period

1. Publicity Rules

The City of York Council Local Elections and Parish Council Elections will be held on Thursday 2 May 2019. In the normal course of events, the Council is under a duty to have regard to the Code of recommended practice on Local Authority publicity (the Code), issued under Sections 2 and 4 of the Local Government Act 1986.

The general legal principal set out in the Code is that a Local Authority, including Parish Councils must not at any time publish any material that in whole or in part appears to be designed to affect support for a political party or a candidate. The run up to an election is a particularly sensitive time and it is wise to be more cautious than ever. This is reflected in the Code which contains additional rules which apply during the pre-election period, frequently known as “purdah”.

The purpose of the additional rules which apply during purdah is to ensure that the public resources of the council are not used to promote or give any political party, political campaign or candidate an advantage during an election period. The rules apply to both officers and Members.

2. General Rules

By way of summary the general rules about publicity are as follows:

- The Council cannot at any time publish material which is designed to influence support for a political party;
- Councillors cannot at any time use Council resources for party political purposes;
- The Council must at all times consider carefully any publicity that it sends out and what the impact of that publicity might be in accordance with the national code on publicity;
- Whilst in the normal course of events it is acceptable for the Council to publicise the work done by individual Members and to present the views of those Members on local issues, for example when a Councillor has been the “face” of a campaign, this is not acceptable during the election period;
- Councillors should not use Council leaflets and publications to promote themselves/political parties.

3. The Election Period “Purdah” – Tuesday 26 March 2019 to Thursday 2 May 2019

The notice of election for the Local Elections will be published on Tuesday 26 March 2019. Purdah will therefore start on Tuesday 26 March 2019.

During the period between the publication of the notice, 26 March 2019, and 2 May 2019, the Council is subject to further restrictions in relation to publicity. This period is commonly referred to as the election or “purdah” period.

(a) Publishing Documents

During this time the Council must not pro-actively publish any material which could be viewed as promoting a political party or which seeks to influence voters.

The Local Government Act 1986 defines publicity as “**any communication, in whatever form, addressed to the public at large or to a section of the public**”. This includes all forms of publicity including websites, public leaflets, notices, etc. Leaflets, web photographs or other advertising designed to raise awareness of Council policies and services already in existence are acceptable as normal forms of communication about the Council and its services. However, if they refer to individual Councillors standing for election, that part of the information should be withdrawn during the election period.

In the normal course of business it is acceptable for authorities to host publicity, such as a blog, which contains links to sites over which the authority has not control, and which contains material which does not comply with the Code. During the election period however, care must be taken to ensure that the rules on publicity are not breached, and it may be necessary to suspend the hosting of third party material, public forums or links during this time.

During the election period, the Council should not publish anything relating to controversial issues or report views on proposals in such a way as to identify with any Member of political group.

The rules do not prevent responses to enquiries from the media or the issuing of press releases which do not promote candidates, etc. If unforeseen events occur which require a member level public response, the response should be factual and objective. Councillors who hold positions of special responsibility within the Council, such as executive members, and who would be expected to make some public comment on important issues that arise will be able to do so, but this should be kept to an absolute minimum during the election period and should only occur if absolutely necessary. Responses should be factual and non-party-political.

Sensitive or controversial matters will need very careful handling during an election period as they may impact on public opinion. The Chief Executive or Monitoring Officer should be consulted before any publicity in relation to such issues is issued.

Publicity relating to individual Councillors involved in the election, whether as a candidate or indirectly as an agent or party supporter, should not be published during this time. However, an election website could provide the names of candidates and their parties, details of polling stations, and voting rules provided the information is factual and does not promote individual candidates or parties.

(b) Events

Proactive events due to take place during the election period, such as the launch of a new policy or the opening of a new establishment, should not involve candidates standing for election nor any Councillor who is involved directly in the election whether as a candidate or in some other capacity.

(c) Council Resources, Headed Paper, Email Addresses

Members should not use Council resources for private or party political purposes.

During the election period Councillors should be particularly careful about the use of any Council resources. Members should avoid corresponding about their candidacy or that of another Councillor standing for election using the Council's email address. The use of headed paper, council facilities, including accommodation is made available to Councillors for council business only. These resources should never be used to raise the profile of a candidate or a political party.

(d) The Use of Photographs

The Council's photographs of Councillors with Council staff, on Council premises should not be used during this period. This includes using the logo of the Council on any photograph of a Councillor. Photographs and logos are the resources of the Council.

(e) Business as usual – Council Decision Making

The Council does have to continue its business during elections period and decisions have to be made. The important thing is to make sure that the Council's "machinery" is not used for party political purposes.

The Council is required to publish minutes and records of its decisions. These must continue to be published and may need to refer to Councillors. Particular care should be taken in recording any decisions made by individual Councillors, e.g. portfolio holders. Decision records and minutes should be confined to a statement of the decision made and the name of the relevant decision maker.

(f) Bodies with Local Authority Funding

The restrictions imposed on publicity produced by Local Authorities will also apply to publicity issued by other organisations who receive Local Authority funding. If a Local Authority directly funds the publicity, these rules will apply, though not if there is specific funding for the publicity from another source. Where, however, there is a mixture of funding including that from a Local Authority, it is safest to assume the publicity is subject to the rules.

(g) Consultations

As stated above, normal business must go on, unless there is a very good reason why this should not be the case. The Council is periodically

involved in undertaking consultation on matters affecting the public. In general it is better to avoid this sort of exercise during the election period if at all possible. This is particularly so if a consultation exercise could be interpreted as rallying support for a particular group, or campaign, or if its timing could result in a political advantage for one party or individual.

This guidance is important for election purposes, and also for the reputation of the Council. Elected Members should strive to maintain the Council's good reputation in election matters.

Members who are unsure with any part of this guidance, or require further assistance should check with the Monitoring Officer, or the Deputy Monitoring Officer.